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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

A.K.,

Petitioner,

v.

THE SUPERIOR COURT OF
RIVERSIDE COUNTY,

Respondent;

RIVERSIDE COUNTY DEPARTMENT
OF PUBLIC SOCIAL SERVICES,

Real Party in Interest

E050039

(Super.Ct.No. SWJ009215)

OPINION

ORIGINAL PROCEEDINGS; petition for extraordinary writ. Michael J. Rushton,
Judge. Petition denied.

Daniel L. Vinson for Petitioner.

No appearance for Respondent.

Pamela J. Walls, County Counsel, and Sophia H. Choi, Deputy County Counsel,
for Real Party in Interest.

Petitioner A.K. (mother) is the mother of three-year-old E.M. Mother challenges the juvenile court's decision to terminate her reunification services and set a hearing under Welfare & Institutions Code section 366.26 to determine a permanent plan for the child. Mother argues the court erred when it found that the Riverside County Department of Public Social Services (DPSS) had provided her with reasonable reunification services. Specifically, mother contends DPSS referred her to a substance abuse program that was not appropriate for her, and subsequently never provided her with any counseling. As discussed below, we conclude that substantial evidence supports the juvenile court's conclusion that DPSS provided mother with reasonable services.

FACTS AND PROCEDURE

Mother had a history of DPSS referrals (nine of them) from early 2006, before E.M. was born, to March 2009.¹ Eight of the referrals were for general neglect, in that mother's home was dirty and full of dog feces, the children were unkempt and unsupervised, mother was selling and using methamphetamine, and various unrelated adults visited and sometimes stayed in the home. The most recent referral, in March 2009, revealed that E.M.'s oldest brother had been sexually abused by his own father, and had himself been sexually perpetrating on a neighbor child and on his two younger brothers, including E.M. E.M.'s two brothers were placed in protective custody and on April 7, 2009 were formally detained.

¹ Mother has an older daughter and two young sons, in addition to the E.M., who was the youngest. Only E.M. is the subject of this writ proceeding.

Mother initially retained custody of E.M., but he was removed from her custody on April 9 after she admitted to using methamphetamine and marijuana. Mother had refused to submit to a hair follicle test and told the social worker that she uses methamphetamine to “get up in the morning,” that she “cannot function without it,” and “does not feel like she is ‘high’ when she is using.” Mother admitted to driving E.M. in her car while under the influence. That same day, the social worker helped mother arrange to go to a one-week inpatient medical detoxification and rehabilitation program, “A Better Tomorrow,” to which the social worker also transported mother.

Mother told the social worker that she has mental health issues, including depression and anxiety, and had herself been sexually abused as a child. Mother also stated that her medical issues included rheumatoid arthritis, fibromyalgia, and scoliosis. Mother stated that she takes Plaquenil, Baclofen, Celebrex, Vicodin/Norco, and Xanax. Mother provided prescriptions for the Norco and the Xanax, but not for the others.

At the detention hearing on April 14, 2009, the juvenile court formally detained E.M. At the jurisdiction hearing held on June 4, 2009, the juvenile court ordered mother to participate in the case plan, which included general counseling, sexual abuse counseling, a parenting education program, substance abuse counseling, and substance abuse testing. The court advised mother that reunification services for E.M. would not exceed six months.

The social worker referred mother to the family preservation court substance abuse program on April 9, 2009. Mother attended an intake appointment on April 17 and

began attending the program on April 23. By July 3, she had been terminated from the program for lack of participation.

DPSS filed its status review report on November 19, 2009, for the six-month status review hearing set for December 3, 2009. DPSS recommended the court terminate mother's reunification services and set a hearing to consider selecting adoption as E.M.'s permanent plan. E.M. was living with his maternal grandmother and older half-sister. After mother was terminated from the substance abuse program with the family preservation court, she reportedly began attending the Riverside County Mental Health Dual Diagnosis Program at the end of July 2009. However, as of August 2009 and November 2009, the social worker was unable to obtain any information regarding mother's participation because mother had not signed a release of information form, despite several requests. DPSS similarly could not confirm mother's attendance at a parenting education program because she did not sign a release of information form. Mother had not completed the required individual counseling. Although DPSS had referred mother to the Riverside County Department of Mental Health in April 2009, that department declined to treat mother's mental illness issues until after she had first completed substance abuse treatment. Mother still had provided prescriptions for only two of the many prescription drugs she was taking for pain and mental health issues.

The contested six-month status review hearing was held on January 12, 2010. The parties stipulated that if mother were called to testify, she would testify that she was offered no referrals for substance abuse treatment after she was discharged from the Family Preservation Court substance abuse program, that she had not received any of the

counseling she needed for her mental health conditions, including depression, anxiety and post-traumatic stress disorder (PTSD), that she wanted to participate in a substance abuse program that would work with her without her having to stop taking her prescription medication, and that she requested additional reunification services so she could be reunited with her son. After hearing argument from the parties, the juvenile court concluded that DPSS had provided reasonable services to mother, but that mother had not cooperated in either participating in the offered services or in providing DPSS with the information it would need to provide her with more specifically tailored services. The court terminated mother's reunification services and set a section 366.26 hearing for May 12, 2010.

DISCUSSION

Mother argues the juvenile court erred when it terminated her reunification services because, in two distinct respects, DPSS had not provided her with reasonable services that were individually tailored to address her unique needs. First, mother maintains the family preservation court program, which DPSS referred her to address her methamphetamine use, "is not appropriate for a person who is using benzodiazepines (Xanax) and/or opiates (Norco), since in that program, a person may not test positive for those substances, even if they have a prescription. Therefore, it was not an appropriate service for [mother] since it would have literally been impossible for her to succeed in that program." Second, mother states she was never provided with counseling referrals at all, "which she needs for her mental health conditions, including depression, anxiety, and PTSD."

We review a juvenile court's finding that an agency offered or provided reasonable reunification services for substantial evidence. (*Katie V. v. Superior Court* (2005) 130 Cal.App.4th 586, 598.) "In reviewing the reasonableness of the services provided, this court must view the evidence in a light most favorable to the respondent. We must indulge in all legitimate and reasonable inferences to uphold the verdict. If there is substantial evidence supporting the judgment, our duty ends and the judgment must not be disturbed." (*In re Misako R.* (1991) 2 Cal. App.4th 538, 545.)

"[T]he focus of reunification services is to remedy those problems which led to the removal of the children.' [Citation.] A reunification plan must be tailored to the particular individual and family, addressing the unique facts of that family. [Citation.] A social services agency is required to make a good faith effort to address the parent's problems through services, to maintain reasonable contact with the parent during the course of the plan, and to make reasonable efforts to assist the parent in areas where compliance proves difficult. [Citation.] However, in most cases more services might have been provided and the services provided are often imperfect. [Citation.] 'The standard is not whether the services provided were the best that might be provided in an ideal world, but whether the services were reasonable under the circumstances.' [Citation.]" (*Katie V. v. Superior Court, supra*, 130 Cal.App.4th at pp. 598-599.)

Regarding services to address mother's substance abuse issues, the social worker referred mother to the family preservation court program on April 9, 2009. Mother attended an intake appointment on April 17 and began attending the program on April 23. By July 3, she had been terminated from the program. Mother would have this court

believe that she was terminated solely because she tested positive for the two drugs for which she had prescriptions.² In fact, the record indicates that mother did not submit to a drug test as requested on June 11 and 23, and refused to drug test at all for the program after May 21.³ In addition, mother did not consistently attend her thrice-weekly treatment groups and was terminated only after being placed on a 30-day behavior contract from June 3 to July 3 “due to missing too many treatment groups.” Mother failed to complete the drug treatment portion of her service plan because she did not participate in the required treatment groups and stopped drug testing, not because the program was not appropriate for her prescription drug use.

Mother’s second basis for asserting that she was not provided with reasonable services is that she was not offered counseling to deal with her various mental health issues “even . . . after testing negative for methamphetamines for several weeks.” However, mother fails to acknowledge that she was assessed for possibly psychotherapy by the Riverside County Department of Mental Health, which recommended that mother not undergo psychotherapy until she had addressed her substance abuse issues, because “insight and awareness is limited during active periods of substance abuse.” Mother

² “[S]he never tested positive for methamphetamines Petitioner made big efforts to participate in the program . . . despite petitioner’s efforts, she was unavoidably terminated from the program [¶] Petitioner stopped use of methamphetamine and tested negative for methamphetamines several times. . . . However, she was terminated from her substance abuse program, and not provided with any other services to help her address the issues that brought her before the court.”

³ Subsequently, mother failed to drug test on July 6 and 31, August 28, September 14 and 25, and October 7 and 29, 2009. Mother did test negative for methamphetamines on August 17, 2009.

would not have benefited from psychotherapy until she had successfully addressed her substance abuse issues, which she voluntarily chose not to do. In fact, Mother told the social worker that she does not have a drug problem and does not need services. Thus, DPSS was unable to successfully provide mother with mental health services until she first benefitted from substance abuse treatment.

To conclude, substantial evidence supports the juvenile court's conclusion that DPSS provided mother with reasonable services.

DISPOSITION

The Petition is denied.

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RAMIREZ
P.J.

We concur:

HOLLENHORST
J.

KING
J.